

REMARKS

The above-identified patent application has been amended and Applicants respectfully request the Examiner to reconsider and again examine the claims as amended.

Claims 1-22 are pending in the application. Claims 1-22 are rejected. Claims 1, 7, 12, and 14 are canceled herein without prejudice. Claims 2-17, 19, 21, and 22 are amended herein. Claim 23 is new.

The Rejections under 35 U.S.C. §103(a)

Park in View of Allweyer et al.

The Examiner rejects Claims 1-16 under 35 U.S.C. §103(a) as being unpatentable over a thesis by Park, entitled "Robust Control of Cost Impact on Fast-Tracking Building Construction Projects" in view of an article by Allweyer et al., entitled "Model-Based Re-Engineering in the European Construction Industry." The Examiner asserts that "Park teaches dynamic planning." The Examiner recognizes that Park fails to teach "pre-structured processing in modeling." The Examiner relies upon Allweyer et al. as teaching "pre-structured processing." The Examiner concludes that "...it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize pre-structured model of Allweyer in the dynamic planning methodology of Park... ."

As described above, Claim 1 is canceled herein without prejudice. New Claim 23 effectively replaces Claim 1 and is discussed below in place of Claim 1.

Applicants submit that new Claim 23 is patentably distinct over Park, whether taken alone or in combination with Allweyer et al., since the cited references neither describe nor suggest "... updating at least one of the first activity characteristics value or the first activity relationship value; automatically identifying, in response to the updating, a second activity

having a second activity name from among the plurality of activities, wherein the second activity is associated with a second activity pre-structured process model having a second activity characteristics value, wherein the second activity is associated with a second one of the activity relationship pre-structured models having a second activity relationship value, wherein the second activity characteristics value is the same as the first activity characteristics value or the second activity relationship value is the same as the first activity relationship value; and automatically updating, in response to the updating at least one of the first activity characteristics value or the first activity relationship value, a corresponding at least one of the second activity characteristics value or the second activity relationship value," as set forth in Claim 23.

With this particular arrangement, a change to an activity or to an activity relationship can automatically result in a change to another activity or to another activity relationship. In this way, an entire project plan can be updated based upon new knowledge (i.e., history) associated with an activity or with an activity relationship. Support for this arrangement can be found in the specification, for example, at page 5, lines 1-15 and at page 16, lines 1-10.

In contrast, neither Park nor Allweyer et al. teach any automatic updating of a second part of a plan in response to a change to a first part of the plan.

In view of the above, Applicants submit that Claim 23 is patentably distinct over Park, whether taken alone or in combination with Allweyer et al.

Claims 2-6, 8-11, 13, 15, and 16 depend from and thus include the limitations of Claim 23. Thus, Applicants submit that Claims 2-6, 8-11, 13, 15, and 16 are patentably distinct over the cited references at least for the reasons discussed above in conjunction with Claim 23. As described above, Claim 7, 12, and 14 are canceled herein without prejudice.

Applicants submit that Claim 5 is further patentably distinct over Park, whether taken alone or in combination with Allweyer et al., since the cited references neither describe nor suggest "... providing at least one of the activity relationship values as a sensitivity value; and associating the sensitivity value with at least one of the time precedence relationships and with a corresponding at least one of the activity relationship pre-structured models," as set forth in Claim 5.

The claimed sensitivity value is given particular meaning in the specification, for example, at page 12, lines 15-26. The Examiner asserts that the claimed sensitivity value can be found in Allweyer et al. at page 6, paragraph 2. Applicants are unable to find a sensitivity value in Allweyer et al. and respectfully request clarification.

Applicants submit that amended Claim 6 is further patentably distinct over Park, whether taken alone or in combination with Allweyer et al., since the cited references neither describe nor suggest "...associating a policy value with at least one of the selected activities and with a respective at least one of the activity pre-structured process models," as set forth in Claim 6. The Examiner asserts that the claimed policy value associated with an activity can be found in Allweyer et al. at page 6, paragraph 2. Applicants are unable to find a policy value in Allweyer et al. and respectfully request clarification.

Applicants submit that amended Claim 8 is further patentably distinct over Park, whether taken alone or in combination with Allweyer et al., since the cited references neither describe nor suggest "...at least one of the time precedence relationships and a corresponding at least one of the activity relationship pre-structured models includes a reliability buffer extending prior to a start time of a downstream one of the plurality of activities and coupled to an upstream one of the plurality of activities," as set forth in Claim 8.

The term "reliability buffer" is given particular meaning in the specification, for example, at page 11, line 1-9 by incorporation, and at page 25, lines 6-7, where, in conjunction

with FIG. 12, it is stated that "[e]ach one of these activities 506, 510 has a corresponding reliability buffer 508, 512, respectively." It should, therefore, be generally understood that a reliability buffer is a time buffer associated with a start of an activity as opposed to a conventional contingency buffer, which is associated with the end of an activity.

For reasons discussed above in conjunction with Claim 8, Applicants submit that amended Claim 9 is further patentably distinct over Park, whether taken alone or in combination with Allweyer et al., since the cited references neither describe nor suggest "...at least one of the time precedence relationships is indicative of a relationship between the end of the upstream activity and the start of the reliability buffer," as set forth in Claim 9. The Examiner asserts that the claimed reliability buffer can be found in Park at page 54, line 4. Applicants are unable to find a reliability buffer in Park and respectfully request clarification.

For reasons discussed above in conjunction with Claim 8, Applicants submit that amended Claim 10 is further patentably distinct over Park, whether taken alone or in combination with Allweyer et al., since the cited references neither describe nor suggest "...the reliability buffer is associated with a corresponding one of the activity relationship values," as set forth in Claim 10.

Applicants submit that amended Claim 11 is further patentably distinct over Park, whether taken alone or in combination with Allweyer et al., since the cited references neither describe nor suggest "...associating a policy value with at least one of the time precedence relationships and with a respective at least one of the activity relationship pre-structured models," as set forth in Claim 11. The Examiner asserts that the claimed policy value associated with a time precedence relationship can be found in Allweyer et al. at page 6, paragraph 2. Applicants are unable to find a policy value in Allweyer et al. and respectfully request clarification.

As described at page 14, lines 26-27, "...policy data values can be associated either with activities or with activity time precedence relationships, and for either activities that are unrelated or related." Policy values associated with time precedence relationships are described for example, at page 12, line 28 to page 13, line 4, where it is stated:

Policy data values can include project policies such as manpower availability versus time values, overtime and flexibility of worker headcount control values, a buffering policy, thoroughness of quality control values, hiring time control values, and request for information (RFI) time control values. The buffering policy as used above should be understood to correspond to a policy that allows the user to apply time buffers, other than reliability buffers (e.g. contingency buffers), to a project schedule. [underline added]

For reasons similar to those discussed above in conjunction with Claims 23 and 8, Applicants submit that amended Claim 13 is further patentably distinct over Park, whether taken alone or in combination with Allweyer et al., since the cited references neither describe nor suggest "...automatically updating a reliability buffer extending prior to a start time of the second activity, wherein the updated reliability buffer has at least one of an updated duration value, an updated upstream time precedence relationship value between the updated reliability buffer and an upstream activity, or an updated downstream time precedence relationship between the updated reliability buffer and the second activity," as set forth in Claim 13.

For reasons similar to those discussed above in conjunction with Claims 23 and 8, Applicants submit that amended Claim 15 is further patentably distinct over Park, whether taken alone or in combination with Allweyer et al., since the cited references neither describe nor suggest "...structuring the first activity relationship pre-structured model with a first reliability buffer having the first activity relationship value, wherein the first reliability buffer is associated with a start time of the first activity; structuring the second activity relationship pre-structured model with a second reliability buffer having the second activity relationship value, wherein the second reliability buffer is associated with a start time of the second activity; and automatically updating the second activity relationship value in response to the updating the first activity relationship value," as set forth in Claim 15.

In view of the above, Applicants submit that the rejection of Claims 1-16 under 35 U.S.C. §103(a) should be removed.

Park in View of Crampton et al.

The Examiner rejects Claims 17-22 under 35 U.S.C. §103(a) as being unpatentable over Park above in view of Crampton et al. (U.S. Patent No. 6,415,196).

Applicants submit that amended independent Claim 17 is patentably distinct over Park, whether taken alone or in combination with Crampton et al., since the cited references neither describe nor suggest "... a dynamic planning method (DPM) data processor that provides a plurality of activities having respective activity data that includes at least one of policy data, activity characteristics data, or activity relationship data; and a DPM processor coupled to the DPM data processor to process the activity data, wherein the DPM processor is adapted to automatically update selected activity data from among the activity data in response to an update of other selected activity data from among the activity data," as set forth in Claim 17.

In contrast, neither Park nor Crampton et al., describe any automatic updating of a second part of a plan in response to a change to a first part of the plan.

In view of the above, Applicants submit that Claim 17 is patentably distinct over Park, whether taken alone or in combination with Crampton et al.

Claims 18-22 depend from and thus include the limitations of Claim 17. Thus, Applicants submit that Claims 18-22 are patentably distinct over the cited references at least for the reasons discussed above in conjunction with Claim 17.

Applicants submit that amended Claim 22 is further patentably distinct over Park, whether taken alone or in combination with Crampton et al., since the cited references neither

describe nor suggest "...one or more conventional project planning models that provide conventional project plan data; and a data transfer processor coupled to the one or more conventional project planning models and further coupled to the DPM data processor to receive the conventional project plan data from the one or more conventional project planning models and to provide formatted data to the DPM data processor," as set forth in Claim 22.

The claimed arrangement is shown, for example, in FIG. 1, where conventional project planning models 12 provide project data through a data transfer processor 38 to a DPM data processor 40. The Examiner asserts that the conventional project planning models can be found in Park et al. at page 25 and a data transfer processor can be found in Crampton et al. at column 23, lines 31-47. Applicants are unable to find the conventional project planning models in Park et al. and respectfully request clarification. Crampton et al. describes at column 23, lines 31-47, "...a portion of the code...may be transferred over the network ...to the workstation and between workstations..." Campton et al. merely describes a generic data transfer. Crampton et al. fails to describe or suggest and "...a data transfer processor... to receive the conventional project plan data from the one or more conventional project planning models and to provide formatted data to the DPM data processor...," as claimed.

In view of the above, Applicants submit that the rejection of Claims 17-22 under 35 U.S.C. §103(a) should be removed.

In view of the above Amendment and Remarks, Applicants submit that the claims and the entire case are in condition for allowance and should be sent to issue and such action is respectfully requested.

The Examiner is respectfully invited to telephone the undersigning attorney if there are any questions regarding this Amendment or this application.

The Assistant Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 500845, including but not limited to, any charges for extensions of time under 37 C.F.R. §1.136.

Dated: March 5, 2007

Respectfully submitted,

DALY, CROWLEY, MOFFORD & DURKEE, LLP

By: Kermit Robinson  
Kermit Robinson  
Reg. No. 48,734  
Attorney for Applicant(s)  
354A Turnpike Street - Suite 301A  
Canton, MA 02021-2714  
Tel.: (781) 401-9988, Ext. 24  
Fax: (781) 401-9966  
*kr@dc-m.com*